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U.S. Department of Justice



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New Bedford

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Washington, D.C. 20530

January 21, 1987

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Paul B. Galvani  
Ropes & Gray  
225 Franklin Street  
Boston, Massachusetts 02110

REGION I  
OFFICE OF REGIONAL COUNSEL

Re: United States v. AVX et al.,  
No. 83-3882Y

Dear Mr. Galvani:

Enclosed is a copy of a letter and its attachments sent by Dr. John Brown of General Electric Company to Dr. James L. Lake of EPA's Narragansett Laboratory.<sup>1</sup> The "mud-swap", or exchange of samples, proposed by Dr. Brown in his letter has not occurred because Dr. Lake has been instructed by counsel not to respond to this letter until after you have been notified. We would like, however, to proceed with such an exchange, using samples gathered from the Acushnet River and New Bedford Harbor.

As you are no doubt aware, Dr. Brown has spoken to EPA personnel on behalf of General Electric on numerous occasions. He has addressed Region I on several occasions in connection with General Electric's work on the Housatonic River and Silver Lake. He spoke to a group of EPA personnel, including Dr. Lake, at a meeting on August 4, 1987 sponsored by General Electric to discuss the Housatonic River. Dr. Brown volunteered some information about his research in New Bedford in the course of his presentation.

Subsequently, Dr. Brown addressed the annual conference of the Society of Environmental Toxicology and Chemistry (SETAC) on November 9-12, 1987, which Dr. Lake and many other EPA personnel attended. The enclosed letter refers to Dr. Brown's inclusion of Acushnet River data in his SETAC presentation, and to Dr. Lake's follow-up request for more information. It is also our understanding that Dr. Lake has spoken on the telephone with Dr. Brown since receiving this letter. On the instruction of counsel, however, he has suspended further communications.

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<sup>1</sup> We have not enclosed the articles written by Dr. Brown, et al., which were attached to the letter. The two articles were "Polychlorinated Biphenyl Dechlorination in Aquatic Sediments" Science, Vol. 236, pp. 709-712 (May 8, 1987), and "Environmental Dechlorination of PCBs" Environmental Toxicology and Chemistry, Vol. 6, pp. 579-593 (1987).

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As you know, we have long sought to arrange split sampling with Dr. Brown. We hope you will not object to proceeding with the exchange which Dr. Brown proposes. Please let us know as soon as possible.

Sincerely,

Roger J. Marzulla  
Acting Assistant Attorney General  
Land and Natural Resources Division

By:

A handwritten signature in black ink, appearing to read "Ellen M. Mahan", with a long horizontal flourish extending to the right.

Ellen M. Mahan  
Attorney, Environmental Enforcement  
Section

cc: Charles Bering ✓  
William Brighton